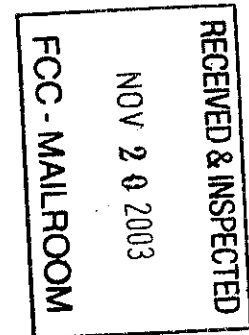




Federal Communications Commission
Washington, D.C. 20554

C40203
Imaging later



November 5, 2003

Charles Crawford
4553 Bordeaux Avenue
Dallas, Texas 75205

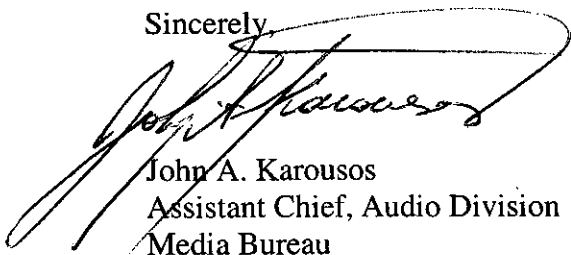
Dear Mr. Crawford:

This letter refers to the petition for rule making you filed that requested the allotment of Channel 277A to Bryson, Texas, as the community's first local aural broadcast service.

A staff engineering analysis reveals that your petition is unacceptable for consideration at this time. The proposal for Channel 277A at Bryson is short-spaced to the licensed facilities of Station KESN, Channel 277C, Allen, Texas (BLH-20010703ABE). WBAP-KSCS Operating, Ltd. ("WBAP Operating"), licensee of Station KESN, was granted a construction permit (BMPH-2002906AAO) for Channel 277C at Allen, Texas on December 17, 2002, that changed the transmitter site among other things for Station KESN. WBAP Operating has recently filed a license application (BLH-20021001ABM) to cover this construction permit that has not been granted. As such, your proposal is also short-spaced to this application site of Station KESN. A rulemaking proposal must comply with the minimum distance separation requirements on the date it is filed. Section 73.208(a)(1) of the Commission's rules sets forth the reference points to be used in making this determination. In this instance, the license site and application site of Station KESN represents an authorized site and a proposed site that must be protected. Therefore, a rulemaking proposal must meet the minimum distance separation requirements for these sites.

Therefore, we are returning your petition for rulemaking for the reasons discussed above.

Sincerely,



John A. Karousos
Assistant Chief, Audio Division
Media Bureau

Enclosure

RECEIVED & INSPECTED
JUL 30 2003
FCC - MAILROOM

To: John Karousos, Assistant Chief
Audio Division of the
Media Bureau

PETITION FOR RULE MAKING

Pursuant to 47 C.F.R. 1.401, Charles Crawford respectfully petitions the FCC to institute a Rule Making proceeding to amend the FM Table of Allotments to add Channel 277A at Bryson, Texas.

DISCUSSION

Petitioner respectfully submits that the public interest would be served by allocating Channel 277A to Bryson, Texas as that community's first local service. Bryson, Texas is an incorporated city with a population of 528.¹ Bryson has its own mayor, its own city hall, its own school system, volunteer fire department, post office and a number of local churches. Bryson is a community that is certainly deserving of an FM service. The proposed channel 277A will provide additional diversity and an outlet for local self-expression to Bryson residents and therefore is in the public interest.

In order for Channel 277A to be allotted to Bryson, Texas, station KCDD Channel 279C at Hamlin, Texas must be reclassified to a C0. (See, Attachment A, Request to Reclassify Statement for KCDD)

Attached hereto is a channel study confirming that Channel 277A can be allocated to Bryson, Texas, consistent

¹ U.S. Census 2000

with the FCC's FM separation rules. See revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992). (See, Attachment B)

Reference coordinates for Channel 277A at Bryson, Texas are:

33 11 50 N
99 20 45 W

Should this petition be granted and Channel 277A be allotted to Bryson, Texas, Petitioner will apply for Channel 277A at Bryson and after it is authorized, will promptly construct the new facility.

The factual information provided in this Petition for Rule Making is correct and true to the best of my knowledge.

Respectfully submitted,



Charles Crawford
4553 Bordeaux Ave.
Dallas, Texas 75205
(214) 520-7077 Tele
(214) 443-9308 Fax

cc: Gene A. Bechtel, Law Office of Gene Bechtel, Suite 600, 1050 17th Street, N.W., Washington, D.C. 20036, telephone (202) 496-1289, telecopier (301) 762-0156, attorney for Charles Crawford. It is requested that the Commission and any parties who may file pleadings in the captioned matter serve copies to Mr. Bechtel as well as Charles Crawford.

July 21, 2003

Attachment A

Charles Crawford
4553 Bordeaux Ave.
Dallas, Texas 75205

Petition for Rule Making
FM Channel 277A
Bryson, Texas
July 21, 2003

Attachment A

Request to Reclassify
Station KCDD(FM), Hamlin, Texas
Pursuant to MM Docket 98-93

Radio Station KCDD(FM), Hamlin, Texas is licensed to Cumulus Licensing Corporation, 3535 Piedmont Road, Building 14, 14th Floor, Atlanta, Georgia 30305, (Facility ID 64656), FCC File No. BLH 19870206KC. The facility operates with a power of 100 kilowatts with center of radiation 300 meters height above average terrain. The above captioned Docket 98-93 provides the mechanism to automatically downgrade a Class C facility to Class C0 when a demand is made for the spectrum, as is the case here. Charles Crawford respectfully requests that the license of Radio Station KCDD(FM) be modified to specify operation on FM Channel 279C0 instead of on FM Channel 279C in accordance with the above Docket which provides for such downgrades when a demand for the unused spectrum is made, as is the case here.

Charles Crawford, the proponent of Channel 277A at Bryson, Texas, in accordance with the above Docket, formally requests that the Commission reclassify Radio Station KCDD(FM) as a Class C0 facility. Charles Crawford certifies that no alternative channel is available for the service he proposes at Bryson, Texas as is proposed in the Petition for Rule Making. A copy of this Petition for Rule Making is being served on Cumulus Licensing Corporation as is required in the above Docket.

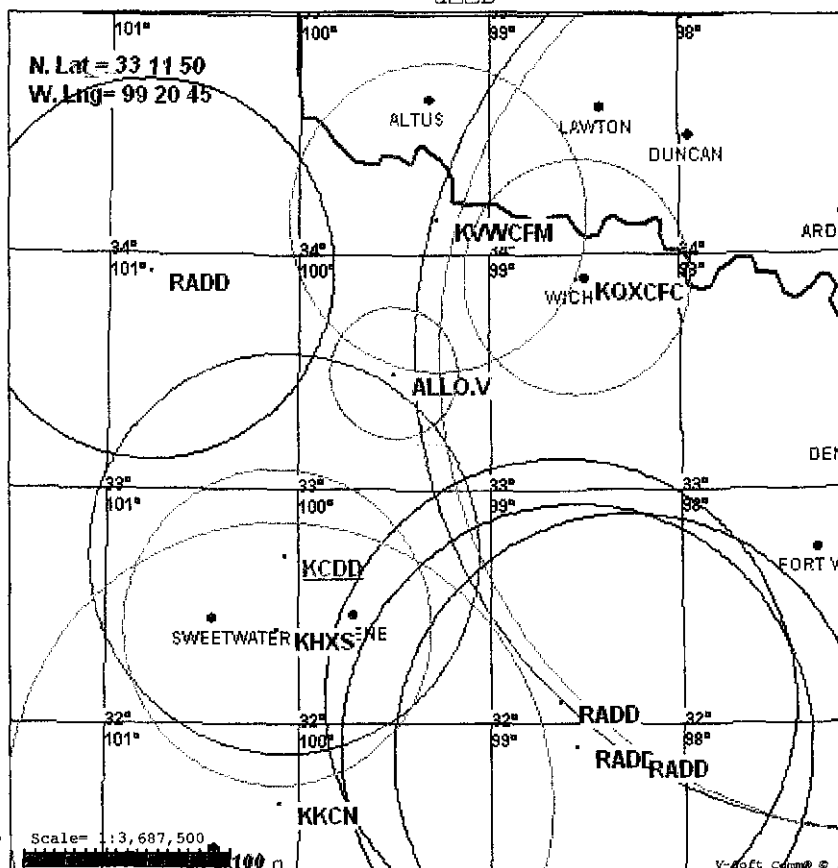


Charles Crawford

Attachment B

FM PROSP^(TM) LOCATE STUDY CH 277 A 103.3 MHz
06Z2CTexarkana TXKTALTVOOOBEO4B

000B



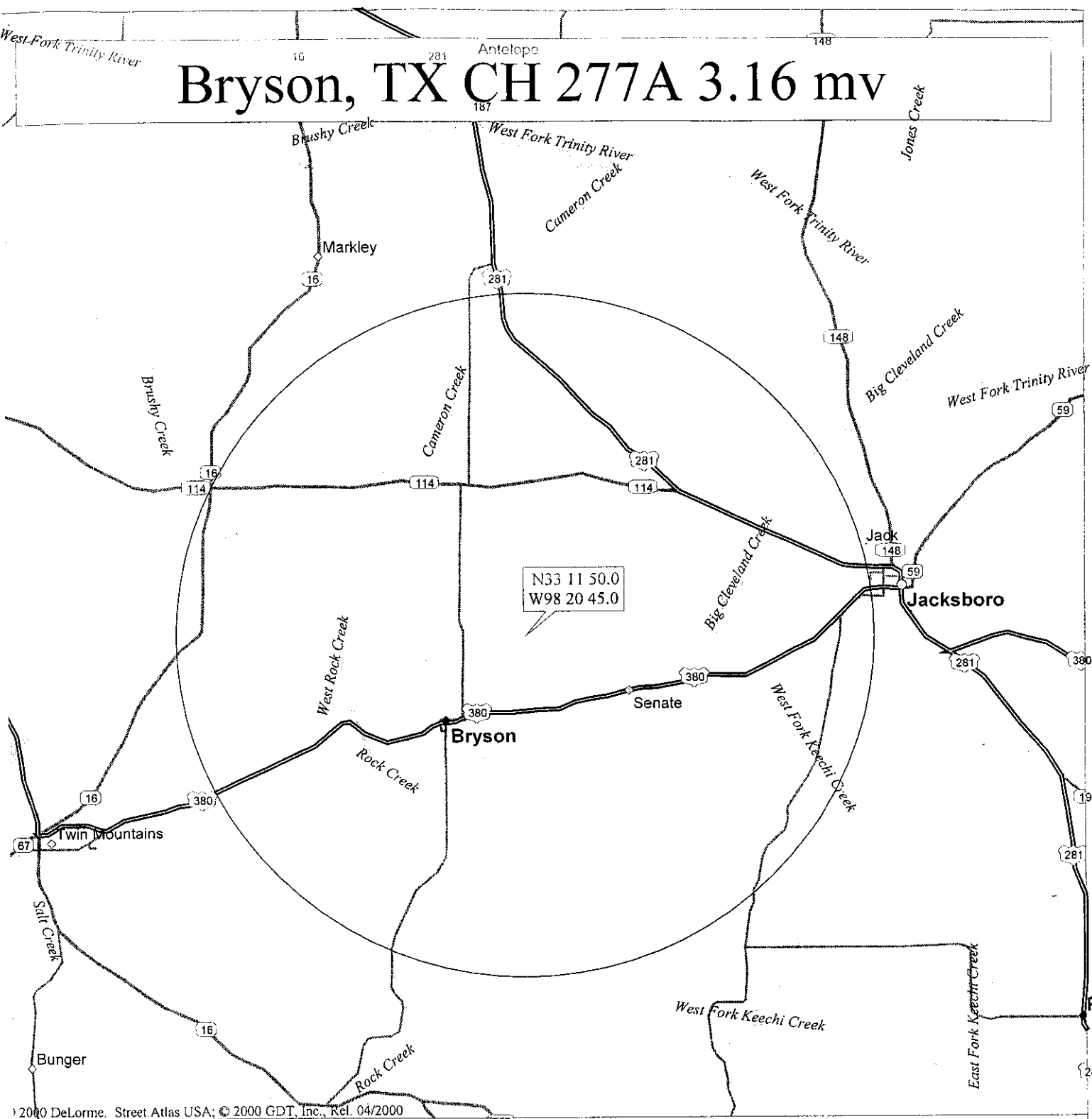
Dates:

Data:07-15-03

Job :07-19-03

Call	CH#	Type	Location		D-KM	Azi	FCC	Margin
KCDD	279C*	LIC	Hamlin	TX	85.73	232.4	95.0	-9.27
KESN	277C	LIC	Allen	TX	225.68	79.0	226.0	-0.32
ALLO.V	275A	VAC	Goree	TX	36.52	337.0	31.0	5.52
KESN.C	277C	CP	Allen	TX	236.97	80.2	226.0	10.97
RADD	277A	ADD	Deleon	TX	139.16	151.4	115.0	24.16
KVWCFM	276A	LIC	Vernon	TX	106.28	3.8	72.0	34.28
KHXS	274C1	LIC	Merkel	TX	112.66	219.3	75.0	37.66
RADD	277A	ADD	Comanche	TX	161.87	152.6	115.0	46.87
KKCN	276C1	LIC	Ballinger	TX	184.24	202.4	133.0	51.24
KQXCFC	280C2	CP	Wichita Falls	TX	108.19	43.5	55.0	53.19
RADD	277A	ADD	Gustine	TX	178.72	145.9	115.0	63.72
RADD	276C3	ADD	Roaring Springs	TX	155.95	301.9	89.0	66.95

Bryson, TX CH 277A 3.16 mv



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Mag 11.00
 Sun Jul 20 17:11 2003
 Scale 1:250,000 (at center)
 5 Miles
 5 KM

- US Highway
- Major Connector
- State Route
- County Seat
- Small Town
- Locale
- Water
- River/Canal

Intermittent River

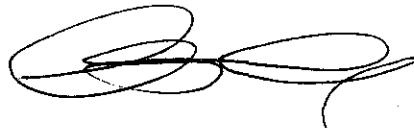
CERTIFICATE OF SERVICE

I, Charles Crawford, hereby certify that on this 21st day of July, 2003, I caused copies of the foregoing "Petition for Rule making for Bryson, Texas" to be placed in the U.S. Postal Service, first class postage prepaid, addressed to the following persons:

Mr. Marlene Dortch
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
12th Street Lobby-TW-A325
Washington, D.C. 20554

Gene Bechtel, Esq.
Law Offices of Gene Bechtel, P.C.
1050 17th Street, N.W., Suite 600
Washington, D.C. 20036-5517
(Counsel for Petitioner)

Cumulus Licensing Corporation
Station KCDD
3535 Piedmont Road
Building 14, 14th Floor
Atlanta, GA 30305


Charles Crawford

Bryson